



Express Mail® Mailing Label No. EV924814905US

June 14, 2007

Date of Deposit

Attorney Docket No. 8285/646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Patrick J. Walsh)	
)	Examiner: Nguyen, David Q.
Serial No.: 10/686,553)	
)	Group Art Unit No.: 2617
Filing Date: October 14, 2003)	
)	
For: Location Privacy Manager for a)	
Wireless Communication Device)	
and Method Thereof)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. Introduction

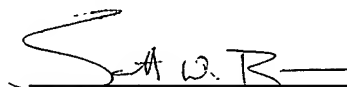
Claims 1-12, 19, 21, and 23-25 are pending in the application. In the final Office Action dated March 8, 2007, the Examiner rejected claims 1, 6, 11, 12, 19, 21, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,675,017 ("Zellner I") in view of U.S. Pat. Pub. No. 2002/0077897 ("Zellner II"). Additionally, claims 2-5, 7-10, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zellner I in view of Zellner II and U.S. Pat. No. 6,442,391 ("Johansson").

II. Zellner I and Zellner II Do Not Qualify As Prior Art Under 35 U.S.C. § 102

The present application is a continuation of U.S. Pat. App. No. 09/497,955 (now U.S. Pat. No. 6,662,014), filed Feb. 4, 2000. Accordingly, the present application is entitled to a priority date of at least **Feb. 4, 2000**. Zellner I was filed on June 30, 2000, and has a priority date of **June 30, 2000**. Zellner II was filed on Dec. 19, 2000, and has a priority date of **Dec. 19, 2000**. Because the priority date of Zellner I and Zellner II are **after** the priority date of the present application, Zellner I and Zellner II do not qualify as prior art.

Because Zellner I and Zellner II do not qualify as prior art under 35 U.S.C. § 102, the rejections under 35 U.S.C. § 103(a) necessarily cannot be maintained. Accordingly, the rejections should be removed. Applicant respectfully request review of the final rejection.

Respectfully submitted,

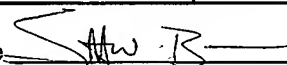
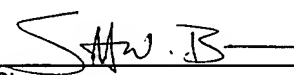


Scott W. Brim
Registration No. 51,500
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 8285/646	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail 9248149 05US in an envelope addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)).</p> <p>On <u>June 14, 2007</u></p> <p>Signature <u></u></p> <p>Typed or printed Name <u>Scott W. Brim</u></p>		Application Number	Filed
		10/686,553	October 14, 2003
		First Named Inventor <u>Patrick Jay Walsh</u>	
		Art Unit	Examiner
		2617	Nguyen, David Q.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>51,500</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> form is submitted.</p>			
		<p><u></u> Signature</p> <p><u>Scott W. Brim</u> Typed or Printed Name</p> <p><u>312 321-4200</u> Telephone number</p> <p><u>June 14, 2007</u> Date</p>	